

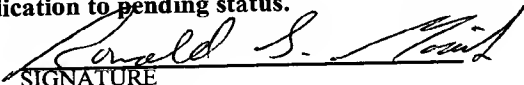
FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (MODIFIED)		ATTORNEY'S DOCKET NUMBER X-9872	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/091605	
INTERNATIONAL APPLICATION NO. PCT/US97/01978	INTERNATIONAL FILING DATE 02/06/1997 (06.02.97)	PRIORITY DATE CLAIMED 02/06/1996 (06.02.96)	
TITLE OF INVENTION DIABETES THERAPY		JUN 16 1998	
APPLICANT(S) FOR DO/EO/US Borts, Tracy L., et al.			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
- ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - ☐ has been transmitted by the International Bureau.
 - ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - ☐ have been transmitted by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☒ have not been made and will not be made.
- ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
- ☐ A substitute specification.
- ☐ A change of power of attorney and/or address letter.

16.		Other items or information:	CALCULATIONS PTO USE ONLY																																																																	
17.	<input checked="" type="checkbox"/>	The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO.....\$930.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)\$720.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))....\$790.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1070.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$98.00																																																																		
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Surcharge of \$130.00 for furnishing the oath or declaration later than <u> 20 </u> <u> 30 </u> months from the earliest claimed priority date (37 CFR 1.492(e)).			\$ 0																																																																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>18-20=</td> <td>0</td> <td>X \$22.00</td> <td>\$0</td> </tr> <tr> <td>Independent claims</td> <td>5-3=</td> <td>2</td> <td>X \$82.00</td> <td>\$164.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$270.00</td> <td>\$0</td> </tr> <tr> <td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td> <td></td> <td style="text-align: right;">\$884.00</td> </tr> <tr> <td colspan="3">Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).</td> <td></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td colspan="3">SUBTOTAL =</td> <td></td> <td style="text-align: right;">\$884.00</td> </tr> <tr> <td colspan="3">Processing fee of \$130.00 for furnishing English translation later than <u> 20 </u> <u> 30 </u> months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td colspan="3">TOTAL NATIONAL FEE =</td> <td></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td> <td></td> <td style="text-align: right;">\$0</td> </tr> <tr> <td colspan="3">TOTAL FEES ENCLOSED =</td> <td></td> <td style="text-align: right;">\$884.00</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Amount to be refunded</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">charged</td> <td style="text-align: right;">\$</td> </tr> </tbody> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	18-20=	0	X \$22.00	\$0	Independent claims	5-3=	2	X \$82.00	\$164.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$0	TOTAL OF ABOVE CALCULATIONS =				\$884.00	Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$0	SUBTOTAL =				\$884.00	Processing fee of \$130.00 for furnishing English translation later than <u> 20 </u> <u> 30 </u> months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0	TOTAL NATIONAL FEE =				\$0	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$0	TOTAL FEES ENCLOSED =				\$884.00				Amount to be refunded	\$				charged	\$	
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a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 05-0840 in the amount of <u>\$884.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.																																																																				
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																																																																				
SEND ALL CORRESPONDENCE TO: ELI LILLY AND COMPANY PATENT DIVISION/RSM LILLY CORPORATE CENTER INDIANAPOLIS, INDIANA 46285 <u>12/June/98</u>		SIGNATURE  NAME Ronald S. Maciak																																																																		
		REGISTRATION NUMBER 35,262 TELEPHONE: (317) 276-1664																																																																		

101 Rec'd PCT/PTO 16 JUN 1998

09/091605



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): ELI LILLY AND COMPANY

International Application No.: PCT/US97/01978

Filed: 02/06/1997 (06.02.97)

Invention: DIABETES THERAPY

Lilly Reference: X-9872

Earliest Priority Date: 02/06/1996 (06.02.96)

Certificate Under 37 C.F.R. § 1.10

Attention: IPEA/US

Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir/Madam:

"Express Mail" mailing label number: EL041986659US

Date of Deposit: 6-16-98

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

QUEEN THOMAS
(Typed or printed name of person mailing paper)

Queen Thomas
(Signature of person mailing paper or fee)